



**GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES**

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**DEPARTMENT OF PLANNING AND NATURAL RESOURCES**

No. 45 Estate Mars Hill, Frederiksted

St. Croix, Virgin Islands 00840

**HOVENSA MONITORING ASSESSMENT REPORT**



**Submitted to:**

The Honorable John P. de Jongh, Jr.

Governor

United States Virgin Islands

**Prepared by:**

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### ASSESSMENT REPORT ON DPNR'S MONITORING CAPABILITIES AND RESPONSE TO INCIDENTS AT HOVENSA

**DECEMBER 30, 2010**

The Department of Planning and Natural Resources, Division of Environmental Protection (DPNR/DEP) is responsible for environmental protection and the enforcement of environmental laws and regulations in the US Virgin Islands.

DPNR-DEP is a regulatory Division and is mainly responsible for enforcing the mandates, which are codified in twelve ( 12) Virgin Islands Code (VIC) Chapters (Ch) 5 Ground Water, 7 Water Pollution Control, 9 Air Pollution Control, 17 Oil Spill Prevention, and 19 Pesticides Control. Additional mandates are codified in 19 VIC Ch. 51 Safe Drinking Water and 56 Solid & Hazardous Waste. DPNR-DEP also administers an Underground Storage Tank Program as per 40 Code of Federal Regulations.

The DPNR-DEP is **NOT A FIRST RESPONDER DIVISION** to emergency incidents, but ensures that all facilities comply with our local environmental rules and regulations. DPNR-DEE has carried the burden of responsibility for the department by manning the Incident Command and otherwise being the department's eyes and ears for each incident.

This report focuses on the recent incidents at the refinery; their impact on the surrounding communities, GVI response, and short and long term recommendations for increasing DPNR's monitoring and response capabilities in the face of future incidents at the refinery and other industrial facilities.

### LIST OF RECENT INCIDENTS

- **SEPTEMBER 17, 2010 –PUNGENT ODORS AFFECT COMMUNITY** -- Residents complained of strong and unusual odors emanating from the refinery around 9:30 a.m. Upon investigation, DPNR determined that Sulfur dioxide gas was released from the refinery.
- **SEPTEMBER 19, 2010 – OIL DROPLETS ON ROOFS AND CARS** -- On Sunday morning various community complaints were lodged with DPNR about "oil raining on roofs and cars." Vacuum Gas Oil (VGO) was released into the atmosphere.

- **SEPTEMBER 30, 2010 – HUGE PLUME OF SMOKE AND FIRE** -- Residents adjacent to refinery were alarmed and called to report a huge plume of smoke and fire at the refinery which appeared to onlookers as an explosion. HOVENSA officials had called DPNR to indicate there was an “opacity exceedance” at the refinery and the burn off was the normal procedure for mitigating the exceedance.
- **OCTOBER 7, 2010 – SEA BIRD MORTALITY** – Division of Fish and Wildlife received a call Thursday morning from Dock Master Tony Rosario at V.I. Port Authority about dead birds at the old Molasses dock facility. There were a total of 6 birds identified in this incident.
- **DECEMBER 9, 2010 -- PUNGENT ODORS AFFECT HIGH SCHOOL** – School Officials complain of nauseous smell causing children and teachers to vomit and complain about itchy noses, skin, etc... A Vapor Cloud was released.

## **DETAILS OF INCIDENTS AND INVESTIGATIONS**

### **SEPTEMBER 17, 2010 –PUNGENT ODORS AFFECT COMMUNITY**

- This incident was caused by the failure of a motor on the “Wet Gas Compressor” on the Coker unit at the refinery. As a result, gas, which is normally recovered and processed into products at the Coker, was diverted to a flare where gas is combusted in such situations. The high sulfur content of the gas resulted in an unpleasant odor which was carried to areas east of the refinery by an unusual wind from the southwest attributed to the passage of Hurricane Igor northeast of the Virgin Islands. (HOVENSA’s Report)

**CHEMICAL(S) RELEASED:** Sulfur dioxide

**COMMUNITIES IMPACTED:** East of the refinery, Estate Bugby Hole, Peter’s Rest

**REMEDIATION BY HOVENSA:** HOVENSA sampled air and found non-detectable limits of contaminants

**GVI RESPONSE:** DPNR-DEP staff surveyed affected communities. DPNR issued a Notice of Violation for the release of sulfur dioxide.

### **SEPTEMBER 19, 2010 – OIL DROPLETS ON ROOFS AND CARS**

- “On September 19<sup>th</sup>, a small line in the No. 2 Distillate Desulfurizer Unit (2DD) ruptured, and as a result some Vacuum Gas Oil (VGO) was released to the atmosphere.” (HOVENSA’s Report)

**CHEMICAL(S) RELEASED :** Vacuum Gas Oil (VGO)

**COMMUNITIES IMPACTED**

Estate Barren Spot, Ginger Thomas, Sunny Acres and Strawberry Hill were affected.



#### **REMEDIATION BY HOVENSA:**

- Activated vapor cloud alarms to alert persons in and around the refinery.
- Conducted air sample analysis around the refinery.
- Deployed Out-Reach Assessment Teams to conduct residential visits and determine impact.
- Established a water distribution at St. Croix Animal Shelter and Youth with a Mission.

#### **GVI RESPONSE**

- DEE installed at Unified Incident Command Post at HOVENSA
- DEE monitored HOVENSA's Out-Reach Assessment Teams, visited residents in impacted areas.

- DEE initial assessment revealed visible oil droplets on cars, walls, windows and vegetation.
- DEE visited water distribution sites.
- DEE in attendance at Unified Command for daily briefings, subsequently relaying information back to the Office of the Commissioner.
- DEP's Air Quality Management (AQM) program surveyed surrounding communities
- DEP observed no visual signs of hydrocarbon, possibly due to precipitation that occurred prior to the survey.
- Despite the lack of visual evidence of hydrocarbon in affected areas, the Public Water System Supervision (PWSS) program received complaints of oily substance in their cisterns. The Air Pollution Control program (APC) staff responded to additional citizen complaints in the Peter's Rest and Sion Farm areas. Foul odor was observed at both locations.
- Further investigation revealed that opacity exceedances had occurred at the Number (#) 1 and #2 incinerator.
- As a result of field assessments, records reviewed and incident reports received from HOVENSA, it was apparent that the facility had violated Title V permit conditions as well as local Virgin Islands Rules and regulation resulting in an NOV Action.

### **SEPTEMBER 30, 2010 – HUGE PLUME OF SMOKE AND FIRE**

"On September 30, 2010, opacities were observed from the LP Flare, HP Flare, No. 2 Flare and West Incinerator. The FCC Main Column Bottom Stripper Tower over-pressured and relieved slurry oil into the LP Flare system and the HP Flare System. Opacities were observed from the HP flare from approximately 0700hrs through 1100hrs." (HOVENSA's Report)

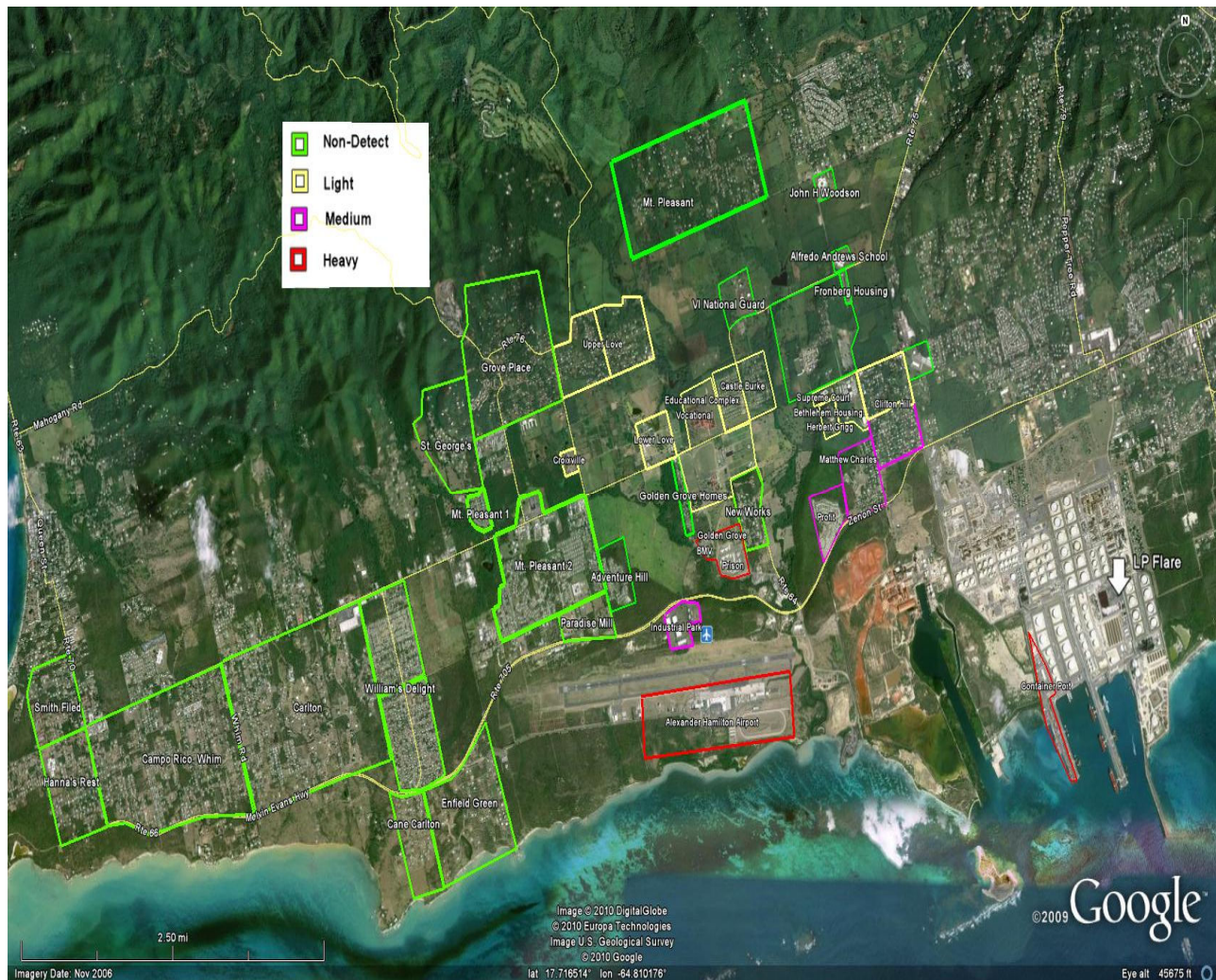
**CHEMICAL(S) RELEASED**: Cat Cracked Slurry Oil

### **COMMUNITIES IMPACTED**

Estate Profit, Clifton Hill, Herbert Grigg Home for the Elderly, Bethlehem House, Educational Complex, Frederiksted Clinic, VI Superior Court, Upper Love

### **REMEDIATION BY HOVENSA:**

- Conducted Air sample analysis around the refinery.
- Out-Reach Assessment Teams conducted residential visits to determine impact
- Established water distribution for St. Croix Educational Complex and Vocational School.



### **GVI RESPONSE**

- DEE installed at Unified Incident Command Post at HOVENSA.
- DEE monitored HOVENSA's Out-Reach Assessment Teams, visited residents and businesses in impacted areas.
- DEE initial assessment revealed visible oil droplets on cars, walls, and windows.
- DEE visited water distribution sites.
- DEE in attendance at Unified Command for daily briefings, subsequently relaying information back to the Office of the Commissioner.
- DEP alerted the Environmental Protection Agency emergency response team out of San Juan, Puerto Rico.
- DEP technical staff surveyed the HOVENSA area where the high pressure, the low pressure and flare were observed. Staff observed opacity at one hundred percent.
- The incident report from HOVENSA along with field activities revealed violations of its Title V permit conditions and resulted in NOV Action STX-APC-009-10
- With three incidents in two weeks, each progressively more serious, Commissioner Mathes spoke directly with EPA management in both the R2 and Caribbean office. They offered immediate technical support and promised to marshal a more comprehensive response and evaluation of the refinery's operations. These processes are now in place and will be announced by EPA in January 2011.

## **OCTOBER 7, 2010 – SEA BIRD MORTALITY**

DPNR Division of Fish and Wildlife received a call Thursday morning from Dock Master Tony Rosario at V.I. Port Authority about dead birds at the old Molasses dock facility. There were a total of 6 birds identified in this incident. After the birds were collected, DFW contacted HOVENSA Environmental Group Leader, Frank Burgard. All birds were shipped to Southeastern Cooperative Wildlife Disease Study (SCWDS) for necropsy and further evaluation; one by HOVENSA and the others by DFW. To date DFW is still waiting for results.

**CHEMICAL(S) RELEASED:** Undetermined

**COMMUNITIES IMPACTED:** West of the refinery, VI Port Authority Facility, Wildlife affected (6 dead sea-birds)

### **REMEDATION BY HOVENSA**

HOVENSA Environmental Group Leader Frank Burgard met with DPNR officials and took possession of one tern for necropsy. Officials were unable to determine if bird-kill was in relation to the huge plume of smoke and fire at the refinery a few days before.

### **GVI RESPONSE**

Dr. William Coles from the Fish & Wildlife division responded to call. Dr. Coles identified specimens as “terns”, a local sea bird. Coles photographed and inspected the area. He collected all six birds, allowed HOVENSA officials to send one for necropsy, and sent the other five for an independent analysis. To date DFW is still waiting for results.

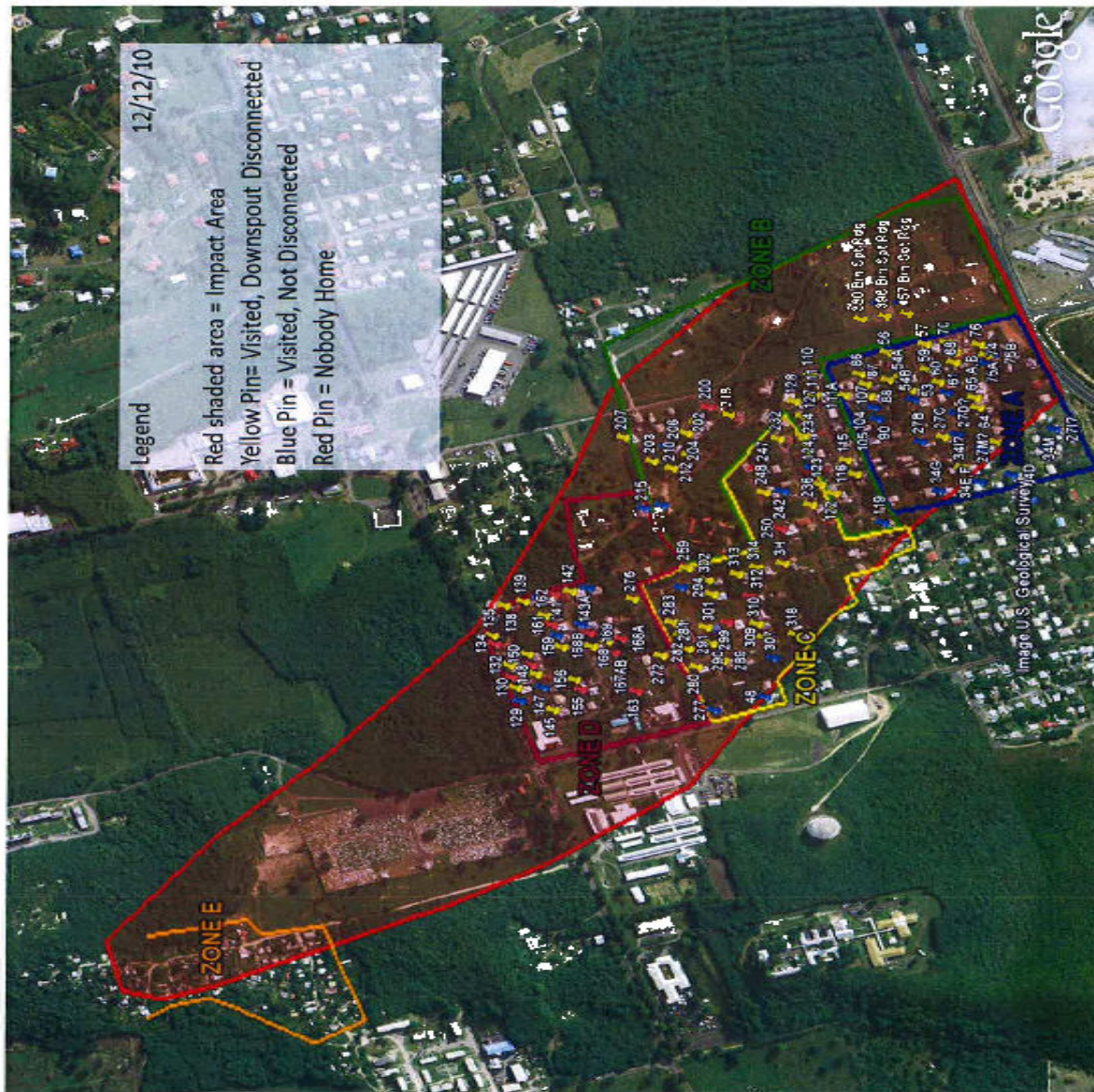
## **DECEMBER 9, 2010 -- PUNGENT ODORS AFFECT HIGH SCHOOL**

“HOVENSA called in a vapor cloud release to DPNR’s office at 8:00 AM. At 7:20AM, a valve on the top of the one of the Coker Drums failed open in the Coker Unit. This valve was manually closed approximately 8 minutes later. The release was a mixture of general hydrocarbons (Liquefied Petroleum Gas (LPG) naphtha, diesel, gas oil).” (HOVENSA’s Report)

**CHEMICAL(S) RELEASED:** Hydrocarbons, Hydrogen Sulfide

### **COMMUNITIES IMPACTED**

Approximately 5000 lbs of hydrocarbon and 85 lbs of hydrogen sulfide were released into the atmosphere. The Clifton Hill and Fredensberg residential communities were affected. The Central High School was also affected and approximately 250 students complained about headaches, dizziness, eye irritation, vomiting, stomach irritation and burning of throat and students were dismissed.



#### **REMEDIATION BY HOVENSA**

- Conducted Air sample analysis around the refinery.
- Out Reach Assessment Teams conducted residential visits to determine impact
- Established a water distribution site at St. Croix Animal Shelter and Original Pentecostal Church.

#### **GVI RESPONSE**

- DEE activated in the Unified Incident Command Post at HOVENSA.
- DEE monitored HOVENSA Out-Reach Assessment Teams, visited residents and businesses in impacted areas.
- Assistant Commissioner Rivera visits affected areas, including local high school and speaks with Department of Education officials.
- DEE initial assessment revealed visible oil droplets on cars, walls, and windows.
- DEE visited water distribution sites.
- DEE in attendance at Unified Command for daily briefings, subsequently relaying information back to the Office of the Commissioner.

- DEP alerted the EPA region 2 Response team.
- DEP was able to establish a violation of 12 VIR&R §§204-27 based on field activities and applicable records. NOV Action STX-APC-008-10 was issued to HOVENSA.

## **LOCAL AND FEDERAL EFFORTS EMPLOYED TO INCREASE MONITORING**

1. U.S. EPA 90 DAY Pilot Study: **HOVENSA COMMUNITY AIR TOXIC MONITORING INITIATIVE** - A short term air toxics community monitoring program downwind of HOVENSA will determine the type of toxics that potentially affect communities. Start date - January 2011.
  - EPA will take approximately 15 samples over a three-month period in the community downwind of the industrial area of concern which includes the HOVENSA facility. Monitoring sites will be located at existing VIDPNR monitoring stations.
  - Study will be modeled upon EPA's School Air Toxic Study with respect to instrumentation, contractor work and data analysis.
  - Monitoring proposal included sampling for a suite of volatile organic compounds (VOC) considered being hazardous air pollutants.
2. **PETROLEUM REFINERY INITIATIVE (PRI) CONSENT DECREE:** recently completed Decree will require extensive maintenance upgrades that will assist in preventing future incidents. The Decree requires HOVENSA to install the latest BACT on the present emission sources, which will decrease the amount of normally occurring emissions to the atmosphere. Moreover, the Decree also requires HOVENSA to install new emission sources to replace existing emission sources. Hence, these new more efficient sources would produce less pollution to the environment.
3. EPA's office of National Environmental Investigation Center, Office of Enforcement and Compliance Assurance will conduct a **COMPREHENSIVE COMPLIANCE INSPECTION** to determine HOVENSA's compliance with its regulatory permitting requirements in February 2011.
4. EPA's Emergency and Remedial Response Division will conduct a **RISK MANAGEMENT PLAN (RMP) INSPECTION** pursuant to Section 112<sup>®</sup> of the Clean Air Act. The RMP team will review the existing data based on HOVENSA's past releases to prioritize specific areas for inspection and determine deficiencies in the facility's RMP.
5. DPNR issued **4 NOTICE OF VIOLATIONS (NOV'S) TO HOVENSA** based on the four major releases that occurred during the last several months. The Department provided Order of Corrective Actions that must be taken by the HOVENSA Oil Refinery. In addition, HOVENSA was given severe penalties for these incidents. The fines collected from these NOV's will be used to implement portable air monitoring and stationary air monitoring for the community in addition to auditing the daily operations of the oil refinery.
6. The Department of Planning and Natural Resources-Division of Environmental Protection (DPNR-DEP) has solicited the assistance of a contractor to assist the APC program in completing a **FISCAL YEAR (FY) 2011 FULL COMPLIANCE EVALUATION (FCE)** as part of the Clean Air Act

(CAA) Stationary Source Compliance Monitoring Strategy. To ensure compliance with the CAA, the contractor will conduct a thorough investigation of all equipment and processes that have a potential to emit air contaminants into the atmosphere. Excess emission, monitoring maintenance as well the corrective action log will be evaluated. All in all, violations, corrective actions and the compliance status of HOVENSA will be determined after the FCE is completed. The department will continue to obtain technical assistance from the contractor particularly in the event of a release.

7. Recognizing the time critical nature in effectively and efficiently monitoring incidents from the south shore industrial zone, DPNR, in conjunction with EPA, are considering the establishment of a civilian monitoring corps. These individuals, selected from neighborhoods typically affected by releases, will be trained and certified using the latest portable monitoring equipment ensuring the most accurate and real time measurements of pollutants.

## **PROPOSED MEASURES TO BE IMPLEMENTED**

1. DPNR is researching the cost estimates on **ESTABLISHING STATIONARY SITES TO COLLECT AND MONITOR FOR SULFUR DIOXIDE GASES** and other gases from the refinery. The stationary site will be operated by a contracted consultant.

The information outlined in the table was gathered from Thermo Environmental Instruments (TEI). The manufacturer of the current continuous Particulate Matter (PM) samplers is TEI while the Federal Reference Method (FRM) monitors is BGI.

<b>POLLUTANT</b>	<b>ESTIMATED EQUIPMENT COST</b>	<b>*POTENTIAL SITES</b>
Sulfur Dioxide (SO <sub>2</sub> )	Include the shelter, analyzers boxes, umbilical and calibration = \$150, 000 per unit per site = \$1, 500, 000 plus 5 back up units = \$750, 000 Total \$2, 250, 000	East End(baseline), Peter's Rest, Sion Farm , St. Croix Central High School, Ricardo Richards School, Mon Bijou , Enfield Green, Williams Delight, Whim, North-side (baseline) granted that they meet site criteria as well as parameter covered by each monitor
Nitrogen Oxide		
Hydrogen Sulfide		
Hydrocarbon		

\*Based on history of areas impacted from previous releases

Please note that additional costs include the following:

- Construction of concrete housing structure at each location to prevent vandalism, protect sampler from natural disasters, and ensure data integrity
- Installation
- Utilities (phone and electricity)
- Security (possibility twenty four hour surveillance)
- Maintenance (spare parts, back up units, troubleshooting , servicing)

- Personnel (Currently the Air Quality Management (AMQ) program is staffed with one Environmental Specialist III and one Environmental Program Manager on the island of St. Croix. Additional staffing required includes a Quality Assurance Officer and three Environmental Specialists
- Training
- Quality Assurance/ Quality Control

## 2. PORTABLE AIR MONITORING

In 2007, the Department of Planning and Natural Resources-Division of Environmental Protection invested over \$200,000.00 toward portable air monitoring in response to citizen's complaints of air pollutant releases from sources.

The cost breakdown was as follows:

The Cost incurred by the Air Pollution Program:

Direct Reading Instruments	Cost per Unit	Quantity	Total Cost Incurred
Flame-Ionization Detector (FID)	\$35,000.00	2	\$ 70,000.00
Photo-Ionization Detector (PID)	\$50,000.00	2	\$100,000.00
Multi-gas Monitor	\$ 4,000.00	2	\$ 8,000.00

In December 2010, after a three year wait the program has finally received calibration gas cylinders and reference certification gas cylinders. These gases are required in order to calibrate the (FID) and (PID) instruments to detect hydrocarbons. These gases will require calibration certification every year for approximately \$1,000.00. The additional cost for the purchase of these gas cylinders was only \$3,000.00

The Flame-Ionization Detectors and Photo-Ionization Detectors provide an instantaneous or direct reading of the quantity of hydrocarbons present in the ambient atmosphere. The multi-gas monitor is capable of providing instantaneous readings for hydrogen sulfide (H<sub>2</sub>S) and Carbon monoxide (CO). Once trained and certified, this real-time data will provide the program's technical staff with valid information and facts independent from HOVENSA.

## 3. PROVIDE ACCESS FOR HOVENSA TO TIE INTO VI ALERT SYSTEM

❖ VITEMA PURVIEW

## 4. PROVIDE ACCESS FOR HOVENSA TO TIE INTO TSUNAMI SIREN ALERT SYSTEM

❖ VITEMA PURVIEW

5. **EPA RESPONSE TIME:** The US Environmental Protection Agency (EPA) Region II can respond within 24 hours after a HOVENSA release. Please note that EPA has their own Emergency Response Team and this is not the regular Air Program employees from EPA. The Emergency Response Team can also assist in air sampling of the different gases

released by HOVENSA. However, most importantly, EPA can conduct split sampling (independent sampling in addition to sampling done by HOVENSA) of cisterns in communities that are affected if oil is released. This request must be done in writing by the Department of Health (DOH) on behalf of the Government of the Virgin Islands. The Department of Planning and Natural Resources-Division of Environmental Protection DOES NOT regulate private home cisterns. Most importantly, the residents are concerned about the health effects of using the cisterns after an oil release in the nearby community.

**6. ESTABLISH A VIRGIN ISLANDS EMERGENCY (QUICK) RESPONSE TEAM, VI-ERT**

❖ VITEMA PURVIEW

**7. MANDATORY ATTENDANCE OF ESSENTIAL GOVERNMENT AGENCIES AT UNIFIED INCIDENT COMMAND AT HOVENSA**

**8. AUDITING HOVENSA'S OPERATIONS**

The Department of Planning and Natural Resources-Division of Environmental Protection (DPNR-DEP) will locate a refinery operations inspector who can audit HOVENSA's operations and make recommendations that will assist the department on how to proceed with corrective actions, enforcement and compliance. DPNE-DEP will be making contacts with consultants who are familiar with refinery operations.

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**DEPARTMENT OF HEALTH**  
**PROPOSED EMERGENCY RESPONSE PROTOCOL**

*Francine Lang, Director of Public Health Preparedness, DOH*

*This protocol reflects the Virgin Islands Department of Health's (DOH) role during an emergency situation that impacts the public health.*

*The Department of Health, in concert with the Virgin Islands Territorial Emergency Management Agency (VITEMA) and the Department of Planning and Natural Resources (DPNR), have separate and joint responsibilities to respond to emergencies that pose a threat to the health of the residents of this territory.*

**VITEMA**, as the lead emergency management agency, is responsible for the coordination these responses. This includes ensuring that the proper call-down procedures exist within the 911 emergency notification system. **DPNR**, as the lead environmental regulatory agency, coordinates the response to releases of any contaminants into the air or water resources of the territory. This includes any air monitoring that may be required to determine safe levels of oxygen and other components of the air we breathe, or unsafe levels of any contaminants that may be in the air. **DOH**, as the lead agency responsible for medical services (Emergency Services Function 8), coordinates the response to any situation that threatens the health of the public and results in residents experiencing symptoms that may require medical attention.

Once DOH is notified of an emergency situation where the health of persons is being affected, a decision would be made as to the appropriate level of response and the appropriate individuals who should respond. In situations where drinking water sources or food that will be consumed by the public is potentially impacted, the Division of Environmental Health would take the lead. However, as some drinking water sources are regulated under the Safe Drinking Water (SDW) standards and are the purview of DPNR; DOH would take the lead in addressing those sources that are not SDW-regulated. Other areas that Environmental Health may get involved in include data gathering for descriptive epidemiology. Additionally, other members of the DOH staff may be assigned to provide assistance during the response effort, depending on the requirements of the situation. DOH will also coordinate with the Hospitals to facilitate the transfer of information or other resources.

**In a situation where the contaminant is known**, DOH's response would be that of data gathering to provide descriptive epidemiology. This includes questioning individuals who have been exposed and are complaining of symptoms, as well as any other individuals who may have knowledge of the occurrence and/or onset of symptoms. **In a situation where the contaminant is of an unknown nature**, an epidemiological investigation would be carried out to rule out various factors and try to identify the causative agent. The territorial Epidemiologist would lead this effort and would assemble a team of trained individuals to assist in this process.

In either case, DOH should also mount a Rapid Response Team (RRT) of medical personnel who would travel to the site of the emergency; or an alternate site if affected individuals have been evacuated. The RRT would be responsible for conducting triage to treat immediate symptoms and determine which individuals need to be provided further medical attention, e.g. taken to the emergency room or advised to see a private physician. Conducting triage on-site would prevent the emergency room from being overrun by persons who do not need emergency care, thus preventing effective treatment of persons who really do require emergency attention.

Unfortunately, at the current time this RRT does not exist; other than conceptually. It is something that has been discussed, especially during the last emergency when students at a high school were impacted. DOH plans to assemble such a team in the near future to ensure that any future emergencies where the presence of such a team would be required, they can readily be dispatched.

As the resources of the various departments of the Virgin Islands government are generally limited, DOH would work collaboratively with the other agencies under the Incident Command System to ensure that the actions that need to be taken to protect the public and address the needs of those impacted are carried out. This includes participating in any Unified Command Posts that are mounted to address the response; reviewing any plans that are proposed to address the situation and approving anything that may be within our legal or regulatory authority. DOH may also require additional actions to be taken, if warranted, to protect the health of the public.

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## FINANCIAL RESOURCE ANALYSIS

The Department of Planning and Natural Resources-Division of Environmental Protection (DPNR-DEP) has limited resources. However, the Department has made the decision that henceforth all penalties collected from Notice of Violations (NOV's) issued to HOVENSA will be used to pay consultants to conduct air monitoring, establish other stationary monitoring sites, and to conduct an audit at the Oil Refinery in order to examine its day to day operations.

The NOV's will take some time to negotiate and settle. Therefore, alternative sources of funding must be established. The Division will use Title V funds and re-budgeting will be done to accommodate the consultants. The US Environmental Protection Agency (EPA) Region II indicated that Title V funds can be used once it should be a permitted source related activity.

"Sec 502(b)(3) (A) A requirement under State or local law or interstate compact that the owner or operator of all sources subject to the requirement to obtain a permit under this subchapter **pay an annual fee**, or the equivalent over some other period, sufficient to **cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this subchapter**, including section [7661f](#) of this title, **including the reasonable costs of:**

- (i) reviewing and acting upon any application for such a permit
- (ii) if the owner or operator receives a permit for such source, whether before or after November 15, 1990, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),
- (iii) **emissions and ambient monitoring,**
- (iv) preparing generally applicable regulations, or guidance,
- (v) **modeling, analyses, and demonstrations, and**
- (vi) **preparing inventories and tracking emissions."**

The re-budgeting will be done by **January 15, 2010**. In an increased effort to enforce our permit conditions, DPNR will contract an independent contractor to conduct portable air monitoring emissions in addition to an audit at HOVENSA in order to confirm permit conditions of the Title V permit.

## LESSONS LEARNED

1. HOVENSA's increasing failures present potentially more trouble to the community if measures are not taken immediately to correct problems at the aging refinery.
2. Local government response is limited and is completely dependent on Federal resources, i.e. EPA, NOAA, etc...
3. DPNR-DEP's role is unclear to community, better coordination is necessary with VITEMA, Department of Health, etc...
4. Consent Decree will provide significant help in reducing future emissions at HOVENSA.

## **DEPARTMENT'S PRESENT CAPACITY**

The Department, through its various programs and divisions, works to conserve and develop the natural resources of the territory.<sup>1</sup> Although its authority covers long-range planning services for all departments and agencies, DPNR is not charged with leading a territorial response to emergencies or major disasters.<sup>2</sup> That function is designated to the Virgin Islands Territorial Emergency Management Agency.<sup>3</sup> Similarly, under federal law, the territory is obligated to establish a State Emergency Response Commission and a Local Emergency Planning Committee to deal with any emergencies related to the release of extremely hazardous chemicals.<sup>4</sup> The Department continues to serve as a partner in the management of emergencies and natural disasters in the territory but recognizes its primary function as the state environmental regulatory agency.

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<sup>1</sup> V.I. CODE ANN. tit. 3, § 401(a), (b) (2009).

<sup>2</sup> V.I. CODE ANN. tit. 3, § 401(b)(2) (2009); *see also* V.I. CODE ANN. tit. 12, § 707(2)(e) (2009) (noting that the Department has police powers related to oil spill cleanup operations).

<sup>3</sup> V.I. CODE ANN. tit. 23, §§ 1006, 1007 (2009).

<sup>4</sup> 42 U.S.C. § 11001(a) (2006); 40 C.F.R. § 355 *et seq.* (2010).